

§ 71.403

shall be furnished to provide approximately one sanitary flush toilet for each 10 miners.

(iii) Where 30 or more miners use toilet facilities, one urinal may be substituted for one flush toilet, however, where such substitutions are made they shall not reduce the number of toilets below a ratio of two flush toilets to one urinal.

(iv) An adequate supply of toilet paper shall be provided with each toilet.

(v) Adequate handwashing facilities or hand lavatories shall be provided in or adjacent to each toilet facility.

(3) *Change rooms.* (i) Individual clothes storage containers or lockers shall be provided for storage of miners' clothing and other incidental personal belongings during and between shifts.

(ii) Change rooms shall be provided with sample space to permit the use of such facilities by all miners changing clothes prior to and after each shift.

[37 FR 6368, Mar. 28, 1972, as amended at 43 FR 12319, Mar. 24, 1978]

§ 71.403 Waiver of surface facilities requirements; posting of waiver.

(a) The Coal Mine Health and Safety District Manager for the district in which the mine is located, after consultation with the appropriate Regional Program Director, National Institute for Occupational Safety and Health, may, upon written application by the operator, and after consideration of any comments filed within 30 days after receipt of the application, waive any or all of the requirements for §§ 71.400 through 71.402 for a period not to exceed 1 year if he determines that—

(1) The operator is providing or making available, under arrangements with one or more third parties, facilities which are at least equivalent to those required by the standards, or

(2) It is impractical for the operator to meet the requirement(s) or provide the facility (facilities) for which the waiver is sought.

(b) The waiver shall be in writing and shall set forth the requirement(s) which the operator will not be required to meet or the facilities which the operator will not be required to provide

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and the specific reason or reasons for such waiver.

(c) Upon receipt of any waiver, the operator shall post a copy of the waiver for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

(d) An extension of the waiver at the end of 1 year may be sought by the operator by filing an application pursuant to § 71.404 no later than 30 days nor more than 60 days prior to the expiration date of the waiver.

(Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[37 FR 6368, Mar. 28, 1972, as amended at 47 FR 14696, Apr. 6, 1982; 60 FR 33723, June 29, 1995]

§ 71.404 Application for waiver of surface facilities requirements.

(a) Application for waivers of any requirements of §§ 71.400 through 71.402 shall be in writing, filed with the appropriate Coal Mine Health and Safety District Manager, and shall contain the following information:

(1) The name and address of the mine operator,

(2) The name and location of the mine, and

(3) A detailed statement of the grounds upon which the waiver is requested and the period of time for which it is requested.

(b) At the same time the application is sent to the District Manager, a copy of the application shall be forwarded to the appropriate Regional Program Director, National Institute for Occupational Safety and Health by the operator, and a copy showing the addresses of the appropriate District Manager and Regional Program Director shall be posted by the operator for at least 30 days on the mine bulletin board required by section 107(a) of the Act.

Subpart F—Sanitary Toilet Facilities at Surface Worksites of Surface Coal Mines

§ 71.500 Sanitary toilet facilities at surface worksites; approved sanitary toilets; installation requirements.

(a) Each operator of a surface coal mine shall provide and install at least one approved sanitary toilet, together